

12.30.130 – Variances

The City Council may grant variances from the regulatory standards of this chapter, in lieu of any other variance procedure, in accordance with the following requirements:

- A. Application: An application for a variation may be made by any person, firm or corporation, or by any office, department, board, bureau or commission of the City of St. Charles. An application for a variance is filed with the Director of Public Works. An application for a variation shall be on a form provided by the Director of Public Works and shall contain all information required on such form including the following:
 - 1. Legal description of property for which a variation is requested;
 - 2. The requested variation identified;
 - 3. The reasons which applicant relies upon as justifying the requested variation;
 - 4. An 8-1/2" x 11" sketch of the property showing all lot lines, street improvements, and adjoining streets.
- B. Notice of Hearing: No variation shall be granted by the City Council except after a public hearing before the City Council, of which there shall be a notice of the time and place of the hearing published at least once, no more than 30 days nor less than 15 days before the hearing, in one or more newspapers published in the City of St. Charles, Illinois.
- C. Hearing: The City Council shall hold a public hearing at which evidence in support of the variation may be presented by or on behalf of the applicant and any evidence presented by interested parties may be heard.
- D. No variance shall be granted unless the applicant for the variance can demonstrate that:
 - 1. An exceptional economic hardship would result without the variance;
 - 2. The relief granted is the minimum necessary;
 - 3. There will be no threat to public safety or creation of a nuisance;
 - 4. No additional public expense will result;
 - 5. The property in question cannot yield a reasonable return if permitted to be used only under the condition allowed by the regulations governing the district in which it is located;
 - 6. The plight of the owner is due to unique circumstances, or;
 - 7. The variation, if granted, will not alter the essential character of the locality.

(2012-M-45 : § 3)